1			THE HONORABLE BRIAN D. LYNCH CHAPTER 13		
2			HEARING DATE: November 18, 2020 HEARING TIME: 1:30 P.M.		
3			LOCATION: Telephonic RESPONSE DATE: November 12, 2020		
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10	IN 7	THE UNITED STATES	S BANKRUPTCY COURT FOR THE		
11	W	VESTERN DISTRICT	OF WASHINGTON AT TACOMA		
12	In re:		Case No.: 16-40664-BDL		
13	YVONNE INEZ	DAVIS,	NOTICE OF AND MOTION FOR DISMISSAL PURSUANT TO 11 U.S.C. § 1307(c)		
14		Debtor.			
15	Deotor.				
16	AMENDED NOTICE				
17	YOU ARE	C HEREBY NOTIFIED	that a hearing on Trustee's Motion to Dismiss is set		
18	as follows:				
19 20	JUDGE: PLACE:	Brian D. Lynch Telephonic	TIME: 1:30 P.M. DATE: November 18, 2020		
21		Dial 1-888-363-4749			
22	Enter Access Code: 5974828#  To join the call: Press the # sign again				
23	Enter Security Code when prompted: 8109# Speak your name when prompted				
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			Michael G. Malaier		

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IF YOU OPPOSE this motion, you must file your written response with the Court Clerk and deliver copies on the undersigned and all interested parties, NOT LATER THAN THE RESPONSE DATE, which is **November 12, 2020**. You should also appear at the time of hearing. If you fail to do so, the Court may enter an order granting the motion without any hearing and without further notice.

## **MOTION**

**COMES NOW**, Michael G. Malaier, the Chapter 13 Trustee and alleges as follows:

- 1. Debtor filed this case on **February 20, 2016**. The case was confirmed by order of the Court on **August 2, 2016**.
- 2. Pursuant to the confirmed plan, Debtor is required to make plan payments of \$2,400.00 per month. Debtor is presently delinquent in plan payments in the amount of \$5,505.81, and the plan is underfunded to complete in the remaining months allowed, supported by the Declaration filed herewith.
- In addition, Debtor has failed to provide copies of the 2018 and 2019 tax returns to the Trustee.
- 4. Debtor has defaulted under the terms of the Plan as follows: § 1307(c)(1) unreasonable delay by the debtor that is prejudicial to the creditors, § 1307(c)(6) failure to remit plan payments.

**WHEREFORE** the Trustee prays that this case be dismissed and closed.

1	<b>DATED</b> this 2nd day of October, 2020 at Tacoma, Washington.
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3	/s/Michael G/ Malaier
4	Michael G. Malaier, WSBA# 34729 Chapter 13 Standing Trustee
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7	IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA			
9   10	In re:	Case No.: 16-40664-BDL		
11 12	YVONNE INEZ DAVIS,	PROPOSED ORDER DISMISSING CHAPTER 13 CASE		
13	Debtor.			
14 15	THIS MATTER having come before the Court on the Trustee's Motion to Dismiss, due notice of hearing having been given to the Debtor and the attorney for the Debtor; the Debto			
16	having not otherwise responded or appeared, the Court having reviewed the motion and being			
17 18	fully advised in the premises, IT IS HEREBY			
19	ORDERED that any funds being l	held by the Trustee shall be applied to the filing fee,		
20	with any remaining balance returned to the	Debtor; it is further		
21	ORDERED that upon dismissal or conversion, any refund shall be payable to the			
22	Debtor and may be forwarded to the Debtor though the attorney's office per 11 U.S.C			
23	349(b)(3); it is further			
25		Michael G. Malaier		

1	ORDERED that the above-captioned case be dismissed effective on the date of thi				
2	Order and the Trustee is directed to administratively close this case and issue Trustee's Final				
3	Report to creditors.				
4	///End of Order///				
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6	Presented by:				
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8	Michael G. Malaier, WSBA# 34729 Chapter 13 Standing Trustee				
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